

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL M. MILLER,
Plaintiff,

No. C 10-00264 WHA

v.

FACEBOOK, INC. and YAO WEI YEO,
Defendants.

**ORDER DENYING
STIPULATED REQUEST AND
CONTINUING HEARING**

Yao Wei Yeo is the only defendant that remains in this action. The clerk entered default as to defendant Yeo in September 2010. Plaintiff, however, did not move for default judgment until April 2011, after a reminder notice regarding pretrial filings was issued. Plaintiff noticed a hearing on the motion for 8:00 a.m. on May 19, 2011. That hearing is hereby continued to **2:00 P.M.** on the same day.

The deadline for Yeo to file an opposition or statement of non-opposition to the motion was April 28. None has been filed. Yeo also has not filed any motion to vacate the entry of default. Puzzlingly, on May 5, the parties filed stipulated request for an order shortening time such that Yeo's motion to set aside his default may be heard concurrently with the motion for default judgment on May 19. The stipulation refers to both a motion by Yeo to set aside his default and also a declaration in support thereof, but no such filings appear on the docket (Dkt. No. 138). Because the stipulated request concerns a motion that does not exist, it is **DENIED**. Even if Yeo were to file such a motion, the time remaining before the May 19 hearing is not sufficient to allow for full briefing by counsel and review by the Court.

IT IS SO ORDERED.

Dated: May 5, 2011.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE